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FSUM 10551.1
PATENT

REMARKS

Applicant requests continued examination in order to enter this amendment into the record. The paragraph inserted at page 1 after the title of the specification is added to conform the specification to the benefit claim filed in the Application Data Sheet.

In Board of Education v. American Bioscience, Inc., the Court of Appeals for the Federal Circuit affirmed-in-part, reversed-in-part and vacated-in-part the District Court Decision already of record in this case. The Federal Circuit decision stated “Tao, Soon-Shiong, and Desai are the true and rightful coinventors of the subject matter in the '653 patent, and Holton, Nadizadeh, Yang, and Sandford are not coinventors.”

Also being simultaneously submitted herewith is a “Request for Continued Examination Transmittal” form and a copy of Board of Education v. American Bioscience, Inc.

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CONCLUSION

Entry of the above amendment to the specification is respectfully requested for the purpose of improving the form of the application. Applicant submits that the present application is now in a condition for allowance and requests early allowance of the pending claims.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Hejlek', written over a horizontal line.

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EJH/JSH/dfw
Enclosures

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